

## **ADMINISTRATION AND ENFORCEMENT**

### **SECTION 11. ADMINISTRATION AND ENFORCEMENT**

#### **11.1 Enforcement**

The Building Inspector of the Town of Concord is hereby designated as the officer charged with the enforcement of this Bylaw.

*11.1.1* The Building Inspector, upon a written complaint of any citizen of, or owner of property within, the Town or upon such officer's own initiative, shall institute any appropriate action or proceedings in the name of the Town of Concord to prevent, restrain or abate violation of this Bylaw.

*11.1.2* Violation of this Bylaw shall be punishable by a fine of one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

#### **11.2 Building Permit**

No structure or part thereof shall be constructed, altered, or moved without a permit from the Building Inspector. The Building Inspector shall not grant such permit if such construction, alteration or movement would be in violation of any of the provisions of this Bylaw, nor shall any officer of the Town of Concord grant any permit or license for the use of any land or structure if such use would be in violation of this Bylaw.

#### **11.3 Certificate of Occupancy**

No use or occupation of land for any purpose for which a certificate of occupancy is required shall be made, in whole or in part, until such a certificate has been issued by the Building Inspector stating that the use of the land and structure, if any, complies with this Bylaw and other applicable codes in effect at the time of issuance.

#### **11.4 Board of Appeals**

The Town of Concord Board of Appeals, heretofore established by the Town of Concord pursuant to the provisions of Section 30 of Chapter 40, Section 14 of Chapter 40A (as in effect prior to January 1977) and Section 81Z of Chapter 41 of the General Laws, is hereby designated as the Zoning Board of Appeals required by Section 12 of Chapter 40A of the General Laws as in effect on the date of adoption of this Bylaw.

*11.4.1* The Board shall act on all matters over which it has jurisdiction and in the manner prescribed by the following provisions, as the same may from time to time be amended:

## **CONCORD ZONING**

*11.4.1.1* The provisions of this Bylaw;

*11.4.1.2* Chapter 40A of the General Laws;

*11.4.1.3* Section 81Y through 81BB of Chapter 41 of the General Laws; and

*11.4.1.4* Any other applicable provisions of the General Laws or this Bylaw.

*11.4.2* Without limiting the generality of subsection 11.4.1, an appeal may be taken to the Board by any person including an officer or board of the Town of Concord aggrieved by reason of inability to obtain a permit or enforcement action from any administrative officer of the Town of Concord under Chapter 40A of the General Laws or this Bylaw, or by reason of an order or decision of the Building Inspector or other administrative officer of the Town of Concord in violation of any provision of Chapter 40A or any bylaw of the Town of Concord adopted thereunder.

### **11.5 Rules and Regulations**

The Board and the Planning Board shall adopt rules, not inconsistent with the provisions of this Bylaw and Chapter 40A of the General Laws or other applicable provision of the General Laws, and shall file a copy of said rules with the Town Clerk.

### **11.6 Special Permit**

Certain uses are designated in this Bylaw as requiring a special permit. The Board and the Planning Board may, in accordance with Chapter 40A of the General Laws, grant such special permits for such designated uses without any finding of hardship. A special permit is a permit to use property for the purpose specified and shall not reverse, alter or vary any provision of this Bylaw applicable thereto. Application for a special permit must be made by the owner of the property noted in the permit or with the owner's written permission. Special permits may be issued only following public hearings held within sixty-five (65) days after filing an application. Neither the Board nor the Planning Board shall issue a special permit unless without exception it shall find that the proposed use is in harmony with the purpose and intent of this Bylaw and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

Either such Board shall also make such further findings as may be otherwise required by this Bylaw and may impose such additional conditions, safeguards and limitations as it deems appropriate to protect the surrounding neighborhood including, but not limited to, imposition of requirements greater than the minimum set forth in this Bylaw. A special permit shall lapse if a substantial use thereof has not commenced, or, in the case of a permit for construction, if construction has not commenced (except for good cause) within two (2) years from the date of grant thereof.

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### **11.7 Variance**

A variance from the specific requirements of this Bylaw, including a variance authorizing a use or activity not otherwise permitted in a particular zoning district, may be authorized by the Board only where, after notice and a public hearing, the Board specifically finds that, owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. The Board may impose such conditions, safeguards and limitations, both of time and of use, as it deems appropriate upon the grant of any variance. Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse and may be reestablished only after notice and a new hearing pursuant to this subsection.

### **11.8 Bylaw Construction**

This Bylaw shall not interfere with or annul any other Town Bylaw, rule or regulation, which is more restrictive, except where this Bylaw is more restrictive, it shall control.

### **11.9 Validity and Separability**

The invalidity of one or more sections, subsections, sentences, clauses or provisions of this Bylaw shall not invalidate or impair the Bylaw as a whole or any other part hereof.